
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
First Natchez Corporation)	File No. EB-03-OR-249
Licensee of Radio Station WQNZ)	
Natchez, Mississippi)	NOV No. V20043262002

NOTICE OF VIOLATION

Released: January 14, 2004

By the District Director, New Orleans Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to First Natchez Corporation, licensee of FM radio station WQNZ.

2. On November 12, 2003, agents of the Commission's New Orleans Office inspected radio station WQNZ located at Natchez, Mississippi, and observed the following violations:

- a. 47 C.F.R. § 73.1350(a): "Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization." The station authorization for WQNZ states that the station should produce 35,000 watts into a six-bay antenna system in order to produce its required effective radiated power. At the time of inspection, the station was operating with a five-bay antenna system.
- b. 47 C.F.R. § 73.1400: "The licensee of an AM, FM, TV, or class A TV station is responsible for assuring that at all times the station operates within tolerances specified by applicable technical rule parts contained in this part and in accordance with the terms of the station authorization. Any method of complying with applicable tolerances is permissible." Station personnel for WQNZ stated that the station uses a remote control system, commonly known as a "dial-up" system, consisting of an automatic telephone answering device at the transmitter which controls the transmitter by responding to commands given by telephone touch-tone keys. At the start of the inspection, this system was not functioning because the unit at the transmitter would not answer the incoming telephone call.
- c. 47 C.F.R. § 73.1560(b): "FM Stations. Except as provided in paragraph (d) of this section, the transmitter output power of an FM station, with output

¹ 47 C.F.R. § 1.89.

Federal Communications Commission

power as determined by the procedures specified in § 73.267, which is authorized for output power more than 10 watts must be maintained as near as practicable to the authorized transmitter output and may not be less than 90% nor more than 105% of the authorized power.” At the time of inspection, the station was operating with a transmitter output power of about 19,000 watts, or about 55% of the authorized output power of 35,000 watts. Station personnel stated that the station had been operating at this reduced power since June, 2003, and that there had been no notification to the FCC of this condition.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, First Natchez Corporation, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New Orleans Office
Room 460
2424 Edenborn Avenue
Metairie, Louisiana 70001

4. This Notice shall be sent to First Natchez Corporation, P. O. Box 768, Natchez, Mississippi, 39121.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

James C. Hawkins
District Director
New Orleans Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*

